



SO ORDERED.

SIGNED this 27th day of January, 2012

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**



Richard Stair Jr.
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

In re:

MICHAEL W. AND DONNIA L. BIRCHFIELD,
Debtors.

**Case No. 11-34431
Chapter 13**

**TENNESSEE DEPARTMENT OF
LABOR & WORKFORCE DEVELOPMENT-
BENEFIT PAYMENT CONTROL**

Adversary Proceeding

No. 12-03002

Plaintiff,

v.

DONNIA L. BIRCHFIELD,

Defendant.

**AGREED ORDER BY THE TENNESSEE DEPARTMENT OF LABOR AND
WORKFORCE DEVELOPMENT - BENEFIT PAYMENT CONTROL TO DETERMINE
DISCHARGEABILITY OF DEBT**

The Attorney General for the State of Tennessee, on behalf of the Tennessee Department of

Labor and Workforce Development - Benefit Payment Control ("TDLWD-BPC"), files the following Agreed Order, through undersigned counsel, after agreement by the interested parties whose signatures appear below.

IT IS STIPULATED:

1. That on September 27, 2011, Donnia L. Birchfield ("Defendant"), filed for bankruptcy relief under Chapter 13 of the Bankruptcy Code.
2. That the Defendant applied for unemployment benefits under Title 50, Tennessee Code Annotated for the weeks ending September 29, 2007 through March 8, 2008.
3. That the Defendant received an overpayment of unemployment benefits valued at \$3,498.66.
4. That based on the forgoing, the Defendant violated T.C.A. § 50-7-303 and, as a result, is currently indebted to TDLWD-BPC in the sum of \$3,498.66.
5. That the amounts owed by the Defendant are nondischargeable under 11 U.S.C. § 523 (a)(2)..

IT IS, THEREFORE, ACCORDINGLY ORDERED:

1. That the debt owed to TDLWD-BPC in the amount of \$3,498.66 is nondischargeable under 11 U.S.C. § 523 (a)(2). .
2. Notwithstanding any other discharge in this case, the Defendant hereby agrees to repay Labor and Workforce Development - Benefit Payments Control nondischargeable debt of \$3,498.66. Labor and Workforce Development - Benefit Payments Control shall have the right to use any lawful collection method to collect the remainder of the department's nondischargeable debt(s) after the Defendant has received a discharge for her debts or this bankruptcy case has been dismissed or otherwise closed or terminated by the court. The Department of Labor and Workforce Development may be reached at the following addresses and telephone numbers:

Ms. Nancy Hutson, Manager
TDLWD-Benefit Payment Control
220 French Landing Dr.
Nashville, TN 37243
615-741-2606

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Approved For Entry By:
ROBERT E. COOPER, JR.
Attorney General and Reporter

/s/ William McCormick
WILLIAM MCCORMICK (BPR No. 012718)
Senior Counsel
Office of the Attorney General
Bankruptcy Division
P.O. Box 20207
Nashville, TN 37202-0207
(615) 532-8930

Attorney for the Department of Labor and
Workforce Development - Benefit Payments Control

/s/ Justin A. Brackett (by Permission)
JUSTIN A. BRACKETT
1104 Merchants Drive, Suite 101
Knoxville, TN 37912

Attorney for the Debtors

Donnia L. Birchfield (optional)
Defendant